

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

ORBELIN GARCIA SANTANA

CRIMINAL COMPLAINT

Case Number:

MD 10 - 435 JJK

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 15, 2010, in Scott County, in the State and District of Minnesota, defendant, Orbelin Garcia Santana, an alien illegally and unlawfully in the United States, having previously been convicted of a crime punishable for a term exceeding one year, knowingly and intentionally possessed in and affecting interstate commerce, a firearm, specifically a Jennings .22 caliber firearm, and multiple rounds of ammunition,

in violation of Title 18 , United States Code, Section(s) 922(g)(1) and 922(g)(5). .

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant
Jeffrey Benadum
ICE

Sworn to before me, and subscribed in my presence,

10/19/10 11:00 am
Date

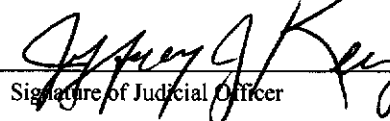
The Honorable Jeffrey J. Keyes
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

at

St. Paul, MN

City and State



Signature of Judicial Officer

SCANNED

OCT 20 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss. **AFFIDAVIT OF SA JEFFREY BENADUM**

1. I am a Special Agent (SA) with the United States Immigration and Customs Enforcement, (ICE) and have been so employed since 2005. In this capacity, I am responsible for the enforcement of the laws of the United States of America, including laws relating to immigration, customs, firearms, and drug enforcement. During my law enforcement career I have conducted numerous investigations into the unlawful possession of firearms, customs violations, immigration violations, narcotics trafficking and related conspiracies.

2. This Affidavit is submitted in support of a Complaint against Orbelin Garcia Santana, a.k.a. Jaime Rojas (hereinafter "Garcia"), charging him with (1) possession of a firearm by a convicted felon; (2) possession of ammunition by a convicted felon; and (3) possession of a firearm by an illegal alien; all in violation of 18 U.S.C. 922(g).

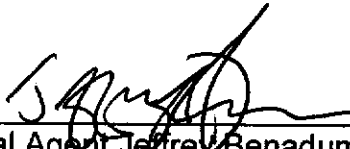
3. On October 15, 2010, law enforcement conducted a traffic stop of a car in which Garcia was a passenger. Upon questioning and under the scope of Miranda, Garcia gave law enforcement consent to conduct a search of his residence. Prior to law enforcement conducting the search, and still under the scope of Miranda, Garcia told officers that there was a pistol in one of the bedrooms of the residence, hidden beneath his clothing. Also under the scope of Miranda, Garcia admitted that he was an illegal alien who had previously been deported.

4. Upon searching Garcia's residence, law enforcement located a .22 caliber Jennings firearm, Serial Number 741483, hidden in a dresser drawer underneath Garcia's clothing. Law enforcement located the firearm in the middle bedroom where Garcia said it would be. Law enforcement also located a large amount of ammunition, including approximately 100 rounds of 9mm ammunition, 46 rounds of .223 rifle ammunition, 42 rounds of .32 caliber ammunition, and 50 rounds of 45 caliber ammunition.

5. Prior to October 15, 2010, Garcia was a convicted felon who had been convicted in Las Vegas, Nevada in 2000 in federal court for Conspiracy With Intent to Distribute Cocaine, in violation of both 21 USC 841 and 21 USC 846. Consequently, Garcia is prohibited from possessing both firearms and ammunition.

6. I also know that Garcia is not in this country legally and that he has previously been deported on at least three prior occasions. Consequently, given his status as an illegal alien, Garcia is prohibited from possessing firearms.

7. On October 18, 2010, ATF SA Pete Vukovich determined that the Jennings firearm seized from Garcia was manufactured outside the State of Minnesota and therefore traveled in interstate or foreign commerce to have been found in Minnesota on October 15, 2010. Agent Vukovich also determined that certain of the ammunition seized from Garcia was manufactured outside the State of Minnesota and therefore traveled in interstate or foreign commerce to have been found in Minnesota on October 15, 2010.


Special Agent Jeffrey Benadum
United States Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 19 day of October, 2010


Jeffrey J. Keyes
United States Magistrate Judge